T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:		28-Aug-06	APPL. S. N:	09418647						
To Examiner:		MATAR, AHMAD	Art Unit	2616						
From		Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68						
SUBJECT: De	cision on Termin	al Disclaimer(T.D.) filed:								
form paragrap or have any qu	hs identified by uestions, please	this informal memo in your nex see me or the Special Program	t Office action to notify applicant Examiner. THIS IS AN INFORMAL	agree, please use the appropriate of the T.D. If you disagree ., INTERNAL MEMO ONLY. FILE. When your action is complete						
please initial,	date and return	this memo to me. THANK YOU.								
The	T.D. is PROPER a	and has been recorded (see 14.	23).							
The The	r.D. is NOT PRO	PER and has not been accepted	for the reason(s) checked below	(see 14.24):						
Ε	The TD fee use of a de	of has not been subm	itted nor is there any authorizatio	n in the application file for the						
<u></u>	his/her inte	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
<u> </u>	The T.D. is portion of t	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
	is is	not an attorney "of record" (see	e 14.29 and 14.29.01).							
	☐ ha	s failed to state his/her capacit	y to sign for the business entity (s	see 14.28).						
	is	not recognized as an officer of	the assignee (see 14.29 & possible	e 14.29.02).						
	nor is the re (see 37 CFF	assignee has been submitted, orded in the Office or the specifying of the reel and he application (see 14.30).								
Γ.	The T.D. is	not signed (see 14.26 & 14.26.	03).							
<u></u>		umber of the application (or the ejection is missing or incorrect (e number of the patent) which for see 14.32).	ms the basis for the double						
<u> </u>	The serial n disclaimed i	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
	The period	disclaimed is incorrect or not sp	ecified (see 14.26, 14.27.02 or 14	4.26.03).						
	Other:									
		to request refund (see 14.36). check this item.	NOTE: If already authorized, cred	it refund to deposit account						
I have appropr	iately notified a	pplicant(s) of the status of the	Ferminal Disclaimer filed in this ca	ase.						
Ex.Initials:	Da	ate:		Log Date:						

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☐ DISAPPROVED							
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Approved/Disapproved by: Henry D. Jefferson							
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

In re Application of: Trevor K. Bylsma, et al.

Application No.: 09/418,647 Filed: 10-15-1999

SEP 1 2 2003 Technology Center 2600

For: METHOD AND APPARATUS FOR DATA DRIVEN NETWORK MANAGEMENT

The owner, ALCATEL INC. 100 percent interest in the instant application hereby of disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently 09/418,646 ____. The owner hereby agrees that any patent shortened by any terminal disclaimer, of prior Patent No. __ so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check	either	box	1	or	2	below,	if	ар	рго	priate.
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1.	For submissions on behalf of an organization (e.g., corporation, partnership etc.), the undersigned is empowered to act on behalf of the organization.	, university,	government a	gency,
	etc.), the undersigned is empowered to act on behalf of the organization.			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

Ross D. Snyder, Reg. No. 37,730

Typed or printed name (512) 347-9223

Signature

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement_under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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